REMARKS

In spite of the Examiner's failure to issue an Office Action on all properly elected claims as set forth in the filing by fax of August 2, 2003, over 2 months ago, applicant is responding to the outstanding office action to prevent abandonment. However applicant expects a response to that unanswered earlier filing in response to this filing.

In preparing this response applicant's attorney has noted minor typographical errors in claims 1 and 16 which are corrected by the foregoing amendment. The error was obvious and this amendment raises no new issue.

Turning now to the art rejections, independent claims 1 and 16 have been rejected on Moribayashi et al under 35 USC 102(b). The Examiner has, however not supported this rejection by showing how the claim language is all responded to by the reference. In fact he can not do so as the reference is not even directed to the same type of machine claimed by applicant.

Applicant's invention is directed to the type of starter motor where the motor shaft extends through an antifriction bearing in one of the motor end caps for driving an associated shaft. In other words the driving end of the shaft is cantilevered. In Moribayashi et al, as clearly shown in his FIG. 13, which the Examiner has specifically referred to the shaft 26 is clearly within the end cap 17 and the antifriction bearing, not numbered in this figure, is clearly at the terminal end of the shaft 26.

In applicants invention the opposite end of the shaft is supported by a plane bearing in the other end cap. In fact this relates to the problem solved by applicant and not present in Moribayashi et al because he uses a second, expensive antifriction bearing, as clearly shown in his FIG. 19, also specifically referred to by the Examiner.

Furthermore Moribayashi et al does not show or describe how his motor housing components are fixed together thus failing to support the Examiner's rejection of anticipation. Anticipation can not be based on speculation.

For the Examiner's convenience original claims 1 and 16 are compared below with the unanticipated language underlined.

1. (Compared) A rotating electrical machine comprised of an outer housing assembly and a rotor including a rotor shaft journalled therein, said rotor shaft having a drive portion extend outwardly beyond said outer housing assembly for driving relation with another shaft, said outer housing assembly being comprised of a stator shell closed at opposite ends thereof by first and second end caps, said first end cap providing an anti-friction bearing journaling said rotor shaft adjacent said drive portion with said drive portion extending through said first end cap, said first end cap having attachment means for providing a mounting connection to a body that journals the another shaft, said stator shell carrying a plurality of permanent magnets, said rotor having a plurality of windings cooperating with said permanent magnets, a commutator fixed to said rotor shaft at an end thereof spaced from said drive portion of said rotor shaft and in electrical communication with said rotor

windings, fasteners for affixing said end caps to each other and to opposite ends of said stator shell, a brush carrier fixed to said stator shell and carrying brushes cooperating with said commutator, and a plain bearing carried by said second end cap for journaling the end of said rotor shaft spaced from said drive portion.

16. (Compared) A rotating electrical machine comprised of an outer housing assembly and a rotor including a rotor shaft journalled therein, said rotor shaft having a drive portion extend outwardly beyond said outer housing assembly for driving relation with another shaft, said outer housing assembly being comprised of a stator shell closed at opposite ends thereof by first and second end caps, said first end cap providing an anti-friction bearing journaling said rotor shaft adjacent said drive portion with said drive portion extending through said first end cap, said first end cap having attachment means for providing a mounting connection to a body that journals the another shaft, said stator shell carrying a plurality of permanent magnets, said rotor having a plurality of windings cooperating with said permanent magnets, a commutator fixed to said rotor shaft in electrical communication with said rotor windings, fasteners for affixing said end caps to each other and to opposite ends of said stator shell, a brush carrier fixed to said stator shell and carrying brushes cooperating with said commutator, and a plain bearing carried by said second end cap for journaling the end of said rotor shaft spaced from said drive portion.

The fastener limitations are further defined in claims 10-13 and 17 and these further limitations clearly are not anticipated by the reference.

Claims 12 and 13 still further distinguish in calling for the second end cap to be affixed to the element that supports the shaft driven by the motor. This clearly is not shown or anticipated by Moribayashi et al and the Examiner has failed to discuss this feature, thus failing to make out a prima facia case.

Claims 14, 15, 18 and 19, as the Examiner notes, call for the stiffening ribs, as the Examiner has acknowledged. He however relies on Isozumi as an alleged teaching of stiffening ribs. It is most respectfully submitted that this allegation is wrong for at least two reasons. First Isozumi ribs are not for stiffening, they are to prevent rotation of the plates 22 which are to provide strength. In this regard the Examiner's attention is directed to the first paragraph on column 4 of this reference.

The other reason the combination is traversed is, as noted above, we do not know and can only speculate how Moribayashi et al housing is connected together. Thus we do not even know if there is a need there for stiffening.

Also claim 19 requires some of the stiffening ribs to be formed integrally with a mounting bracket which is absent in both of the references relied on.

In view of the foregoing consideration of all claims elected and favorable action is most respectfully requested.

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